

CITY OF NANAIMO

BYLAW NO. 4500.182

A BYLAW TO AMEND THE "CITY OF NANAIMO ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 466, 469, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Zoning Bylaw Amendment Bylaw 2021 No. 4500.182".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:
 - (1) By deleting the definition of 'Fabric Covered Structures' and replacing it with the following:

FABRIC COVERED STRUCTURES - means a pre-manufactured structure consisting of wood, metal, or plastic framing, covered on the roof (with or without sides) consisting of fabric, reinforced plastic, vinyl, or other sheet material, with a maximum floor area no greater than 23m² intended for temporary storage purposes.
 - (2) By deleting the first paragraph in the definition of 'Gross Floor Area, Single Residential Dwelling or Duplex' and replacing it with the following:

GROSS FLOOR AREA, SINGLE RESIDENTIAL DWELLING OR DUPLEX - means the total of all floors, measured to the interior face of the exterior walls of the building. The definition includes covered decks, but excludes the following:
 - (3) By deleting the definition of 'Gross Floor Area, Accessory Building' and replacing it with the following:

GROSS FLOOR AREA, ACCESSORY BUILDING - means the total of all floors, measured to the interior face of the exterior walls of the building including covered decks but excluding a front porch, covered porch fronting on a lane, or open decks in the calculation of gross floor area. Where no carport or garage exists within the principal building up to 42m² of parking area shall also not be included within the gross floor area. This definition shall only apply to lots where the principal use is a single residential dwelling or duplex.
 - (4) By deleting the first paragraph in the definition of 'Gross Floor Area, All Other Uses' and replacing it with the following:

GROSS FLOOR AREA, ALL OTHER USES - means the total of all floors, measured to the interior face of the exterior walls of the building. The definition includes accessory buildings but excludes the following:

- (5) By amending the definition of 'Gross Floor Area, All Other Uses' by deleting clause 1) and replacing it with the following:
 - 1) Any portion of the building or structure used for motor vehicle or bicycle parking purposes or for a swimming pool, unless such parking or swimming pool is the principal use.
- (6) By amending the definition of 'Gross Floor Area, All Other Uses' by deleting clause 2) and replacing it with the following:
 - 2) Open decks, patio areas, or covered decks that share no more than two sides with the exterior face of the building.
- (7) By amending the definition of 'Gross Floor Area, All Other Uses' by deleting clause 5) and replacing it with the following:
 - 5) One dedicated communal storage area for residential uses, with a total maximum area of up to 9.29m² per dwelling unit on the lot.
- (8) By amending the definition of 'Gross Floor Area, All Other Uses' by adding the following clause at the end of the definition:
 - 8) Staircases and elevator shafts above their lowermost floor.
- (9) By deleting clause (1) b) in the definition of 'Height, Building' and replacing it with the following:
 - b) Where a development permit has been approved for the building, the subdivision grading plan grade is replaced by the grade as shown on the approved development permit.
- (10) By deleting the definition of 'Lot' and replacing it with the following:

LOT – means any parcel, block, or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the Bare Land Strata Regulations under the *Strata Property Act* and includes a water lot, but does not include a phased subdivision boundary nor an air space parcel.
- (11) By deleting the definition of 'Minimum Lot Area' and replacing it with the following:

MINIMUM LOT AREA – means the minimum lot size required for the purpose of subdivision, as set out in the applicable zone.
- (12) By deleting the definition of 'Quadruplex'.
- (13) By amending the definition of 'Single Residential Dwelling' by deleting clause 3) and replacing it with the following:
 - 3) is installed on site upon a concrete perimeter foundation system; and
- (14) By amending the table in subsection 6.2.1.2 by deleting the text “, provided a location permit has been obtained” under the column titled “Length of Temporary Use” in all rows.

- (15) By deleting subsection 6.5.2 and replacing it with the following:
- 6.5.2 Where the principal use of the property is a single residential dwelling or duplex, heat pumps and central air conditioning units shall not be located between the front face of a principal building and the nearest front lot line, and shall not be closer than 1.5m to side lot lines or closer than 3m to rear lot lines. Heat pumps and central air conditioning units shall be screened from view from streets.
- (16) By amending subsection 6.6.3.1 to indent the entire subsection.
- (17) By amending subsection 6.6.3.2 to indent the entire subsection.
- (18) By deleting clause b) in subsection 6.6.5.1 and replacing it with the following:
- b) is located outside of the required yard setback area for a principal dwelling; or
- (19) By amending the table in subsection 6.10.2 to change the list of zones in the first row to:
- R1 / R1a to R10, R13 to R15, CD9 and CD10
- (20) By amending the table in subsection 6.10.2 by adding the text “See Subsection 6.10.6” in the column titled “Conditions of Use” in the rows for “Commercial Centre Zones” and “All Corridor and Downtown Zones”.
- (21) By deleting subsection 6.10.4 and replacing it with the following:
- 6.10.4 Guardrails up to a maximum height of 1.07m located on retaining walls with a height of 1.5m or greater may be excluded from the calculation of fence height provided:
- a) the guardrail is required by the BC Building Code; or
 - b) the guardrail is recommended by a professional engineer and constructed in accordance with the handrail dimensions of the City of Nanaimo “Manual of Engineering Standards and Specifications”, Section 8.0, Drawing CS-31, and any amendments thereto.
- (22) By adding the following subsection as 6.10.6 immediately following 6.10.5:
- 6.10.6 Notwithstanding Subsection 6.10.5, the height of a fence located outside of the required yard setback area in all Commercial Centre, Corridor, and Downtown zones shall not exceed:
- a) 1.2m where located within 3m of a front lot line; and
 - b) 1.8m where located within 3m of a flanking lot line.
- (23) By adding the following subsection at 6.10.7 immediately following 6.10.6:
- 6.10.7 Notwithstanding Subsection 6.10.2, the maximum height of up to one trellis, gate, arbor, or similar ornamental structure per lot shall not exceed 2.4m in a front or flanking side yard in all zones, provided that such a feature demarcates a pedestrian access, does not exceed 2.0m in width, and complies with Section 6.9 (visibility at intersections) of this Bylaw.

- (24) By amending the subsection number for the second iteration of subsection 6.20.5 to read “6.20.6”.
- (25) By adding the following subsection as 6.22.8 immediately following 6.22.7:
- 6.22.8 For the purposes of this Bylaw, an air space parcel shall be deemed to be part of the same lot as the parcel at ground level.
- (26) By deleting subsection 6.23.1 and replacing it with the following:
- 6.23.1 Notwithstanding the setback requirements of this Bylaw, the minimum front and flanking side yard setback shall be 20m from a property line that abuts the Nanaimo Parkway right-of-way.
- (27) By amending the Descriptions of Zones table in section 7.1 by deleting the text under “Intent of Zone” for “Low Density Residential” (R6) and replacing it with the following:
- This zone provides for a mixture of low density ground-oriented multiple family developments on lots compatible with other residential development in the area.
- (28) By deleting subsection 7.5.4 and replacing it with the following:
- 7.5.4 Notwithstanding Subsection 7.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.
- (29) By amending the table in subsection 7.6.1 by adding notation “³” after “7.32m” in the column titled “Perimeter Wall Height” for the R10 zone and adding the following footnote below the table:
- ³ Perimeter wall height applies only to single residential dwellings and duplex buildings in the R10 zone.**
- (30) By amending the table in subsection 9.2.3 by deleting the rows for 2560 Bowen Road and 2590 Bowen Road in “Automobile Sales and Rentals Use” and replacing with the following rows:

2590 Bowen Road	LOT 1, SECTION 5, WELLINGTON DISTRICT, PLAN EPP92969
2338 Kenworth Road	LOT 1, SECTION 5, WELLINGTON DISTRICT AND SECTION 20, MOUNTAIN DISTRICT, RANGE 7, PLAN EPP93135
2348 Kenworth Road	LOT 3, SECTION 5, WELLINGTON DISTRICT & SECTION 20, RANGE 7, MOUNTAIN DISTRICT, PLAN EPP92969
2358 Kenworth Road	LOT 2, SECTION 5, WELLINGTON DISTRICT AND SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP92969

- (31) By deleting subsection 9.5.3 and replacing it with the following:

9.5.3 Notwithstanding Subsection 9.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

- (32) By deleting subsection 10.3.3 and replacing it with the following:

10.3.3 Notwithstanding Subsection 10.3.1, for the properties legally described as LOT 2, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (4900 Uplands Drive); LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP69239 (4950 Uplands Drive); and LOT 3, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (6055 Turner Road), where the properties include a residential use, the maximum allowable Floor Area Ratio shall be as permitted within the High Density (High Rise) Residential (R9) zone.

- (33) By deleting subsection 10.5.3 and replacing it with the following:

10.5.3 Notwithstanding Subsection 10.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

- (34) By deleting subsection 10.6.2 and replacing it with the following:

10.6.2 Notwithstanding Subsection 10.6.1, the maximum allowable height for a principal residential building on the properties legally described as LOT 2, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (4900 Uplands Drive); LOT 1, DISTRICT LOT 30, WELLINGTON DISTRICT, PLAN EPP69239 (4950 Uplands Drive); and LOT 3, DISTRICT LOTS 14 & 30, WELLINGTON DISTRICT, PLAN EPP69239 (6055 Turner Road) is 36m.

- (35) By deleting subsection 11.5.4 and replacing it with the following:

11.5.4 Notwithstanding Subsection 11.5.1, where a property line abuts a major road, an additional 2.5m setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

- (36) By deleting subsection 13.4.4 and replacing it with the following:

13.4.4 Notwithstanding Subsection 13.4.1, where a property line abuts a major road, a minimum setback of 7.5m is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

(37) By deleting subsection 14.5.3 and replacing it with the following:

14.5.3 Notwithstanding Subsection 14.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

(38) By deleting subsection 15.5.3 and replacing it with the following:

15.5.3 Notwithstanding Subsection 15.5.1, where a property line abuts a major road, an additional 2.5m front and/or flanking side yard setback is required when the dedication to achieve the required right-of-way width has not occurred to facilitate the widening of the major road.

(39) By deleting Category 3 and the accompanying table in Schedule D – Amenity Requirements for Additional Density and replacing it with the following:

Category 3: Parking and Sustainable Transportation (10 points required)

Amenity		Points
A	For a non-residential component of a development, shower and change room facilities are provided to accommodate employees.	2
B	At least one parking space is clearly marked and designated for the exclusive use of a vehicle belonging to a car share or car co-op.	1
C	The developer purchases a new car and gifts the car to a recognized car share provider for the inclusion of a car share space on the subject property.	4
D	A minimum of 50% of the parking provided for the proposed development includes access to an electric vehicle charging station.	2
E	A minimum of 80% of the total parking area is located underground or in a parking structure incorporated into the design of the building.	4
F	The proposed development includes covered and designated parking spaces for a motorized or electric scooter, or a designated motorcycle parking space to accommodate the following number of spaces: a) multiple family residential developments: 1 motorized or electric scooter or motorcycle space per 15 dwelling units; or b) non-residential uses: 1 motorized or electric scooter or motorcycle space per 600m ² of Gross Floor Area for the first 5000m ² plus one space per 1500m ² of additional Gross Floor Area.	2
G	A pedestrian network is included in the proposed development that connects the buildings on the site with the public road right-of-way and, the pedestrian network from the adjacent site to which there is access by perpetual easement or right-of-way, provided the City agrees to accept the right-of-way.	2
H	Parking does not exceed minimum parking requirements within the City of Nanaimo "Off-Street Parking Regulations Bylaw 2018 No. 7226" and amendments thereto, and any subsequent bylaw or bylaws which may be enacted in the substitution thereof.	2
I	The development includes signage or display(s) regarding sustainable transportation alternatives available on site or within the immediate area.	1
Total		20

- (40) By rezoning a portion of those lands as shown on Schedule A – Map 1 (900 Fifth Street) from Rural Resource (AR1) to Community Service One (CS1).
- (41) By rezoning those lands as shown on Schedule A – Map 2 (201 Fleming Place) from Single Dwelling Residential (R1a) to Parks, Recreation and Culture Two (PRC2).
- (42) By rezoning those lands as shown on Schedule A – Map 3 (3838 Stronach Drive) from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1).
- (43) By rezoning a portion of those lands as shown on Schedule A – Map 4 (175 Pryde Avenue) from Rural Resource (AR1) to Parks, Recreation and Culture One (PRC1).
- (44) By rezoning those lands as shown on Schedule A – Map 5 (4005 Salal Drive) from Low Density Residential (R6) and Medium Density Residential (R8) to Parks, Recreation and Culture One (PRC1).
- (45) By rezoning portions of those lands as shown on Schedule A – Map 6 (1590 and 1591 Roberta Road South) from Steep Slope Residential (R10) to Parks, Recreation and Culture One (PRC1) and Parks, Recreation and Culture Two (PRC2).
- (46) By rezoning those lands as shown on Schedule A – Map 7 (5900 Carlton Road) from Single Dwelling Residential (R1) to Parks, Recreation and Culture Two (PRC2).
- (47) By rezoning those lands as shown on Schedule A – Map 8 (25 Lotus Pinnatus Way) from Steep Slope Residential (R10) to Parks, Recreation and Culture Two (PRC2).
- (48) By rezoning portions of those lands as shown on Schedule A – Map 9 (1060 Douglas Avenue and 280 Tenth Street) from Single Dwelling Residential (R1) to Low Density Residential (R6).
- (49) By rezoning a portion of those lands as shown on Schedule A – Map 10 (5735 Turner Road) from Medium Density Residential (R8) to Parks, Recreation and Culture One (PRC1).
- (50) By rezoning those lands as shown on Schedule A – Map 11 (745 Third Street) from Community Service One (CS1) to Parks, Recreation and Culture Three (PRC3).
- (51) By rezoning those lands as shown on Schedule A – Map 12 (900 and 901 Harbour View Street) from Single Dwelling Residential - Small Lot (R2) and Medium Density Residential (R8) to Parks, Recreation and Culture Two (PRC2).
- (52) By rezoning a portion of those lands as shown on Schedule A – Map 13 (950 Harbour View Street) from Medium Density Residential (R1) to Single Dwelling Residential - Small Lot (R2).
- (53) By rezoning portions of those lands as shown on Schedule A – Map 14 (961, 963, 965, 967, 969, 971, 973, 975, and 977 Harbour View Street) from Single Dwelling Residential - Small Lot (R2) to Row House Residential (R7).

- (54) By rezoning a portion of those lands as shown on Schedule A – Map 15 (991 Hogler Crescent) from Single Dwelling Residential - Small Lot (R2) to Row House Residential (R7).
- (55) By rezoning a portion of those lands as shown on Schedule A – Map 16 (1007 Hogler Crescent) from Single Dwelling Residential - Small Lot (R2) to Row House Residential (R7).
- (56) By rezoning a portion of those lands as shown on Schedule A – Map 17 (5160 Universal Place) from Single Dwelling Residential (R1) and Low Density Residential (R6) to Steep Slope Residential (R10).
- (57) By rezoning those lands as shown on Schedule A – Map 18 (105 St George Street) from Community Service Two (CS2) to Parks, Recreation and Culture Two (PRC2).
- (58) By rezoning a portion of those lands as shown on Schedule A – Map 19 (2020 Labieux Road) from High Tech Industrial (I3) to Community Service Two (CS2).

PASSED FIRST READING: 2021-NOV-01

PASSED SECOND READING: 2021-NOV-01

PUBLIC HEARING HELD: 2021-NOV-18

PASSED THIRD READING: 2021-NOV-18

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: 2021-NOV-29

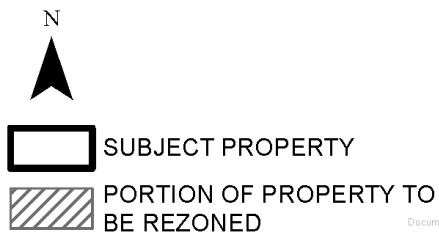
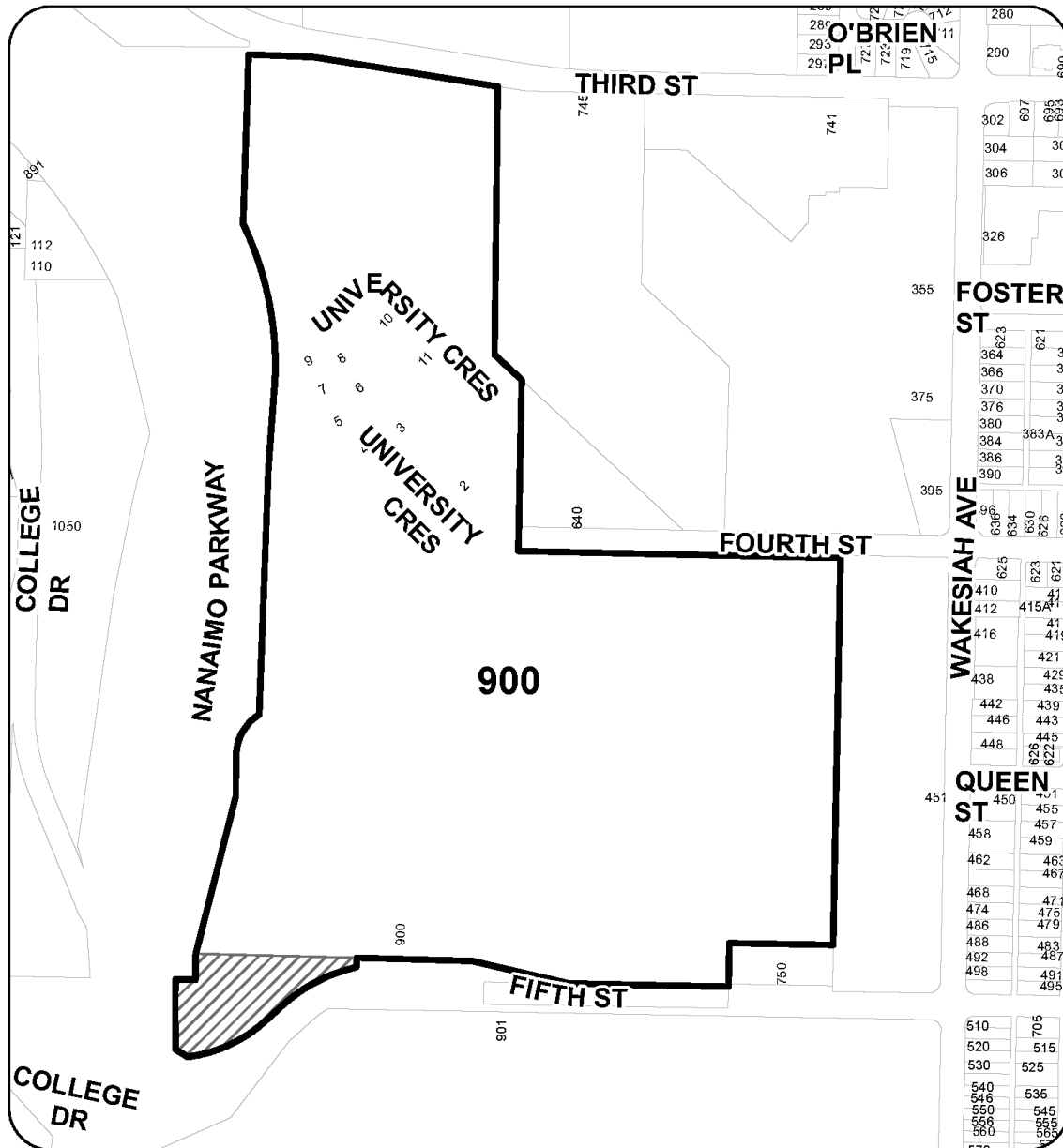
ADOPTED: _____

MAYOR

CORPORATE OFFICER

SCHEDULE A

MAP 1

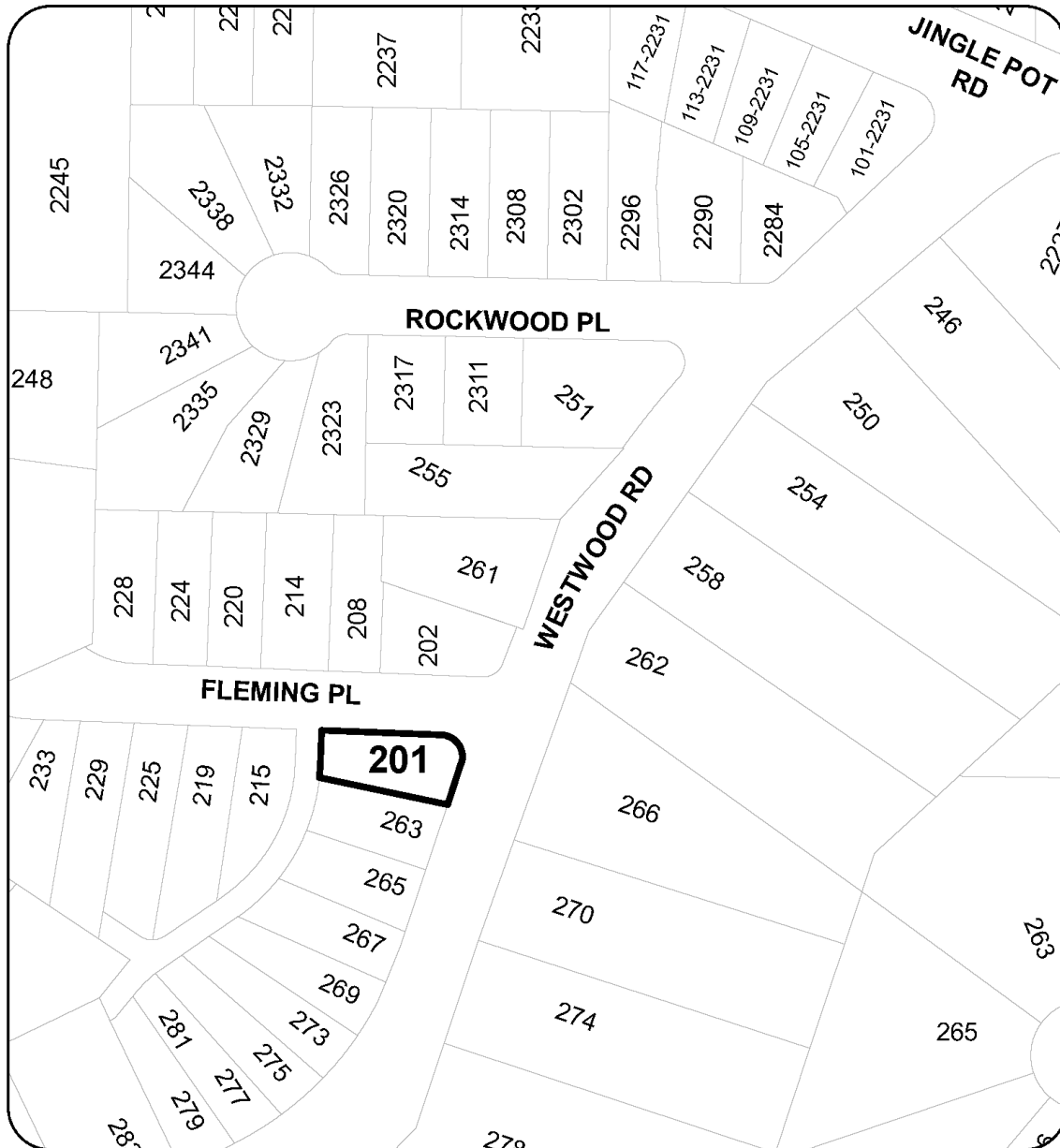


LOCATION PLAN

Civic: 900 FIFTH STREET
Legal Description: LOT A, SECTION 1
NANAIMO DISTRICT, PLAN EPP94852

SCHEDULE A

MAP 2



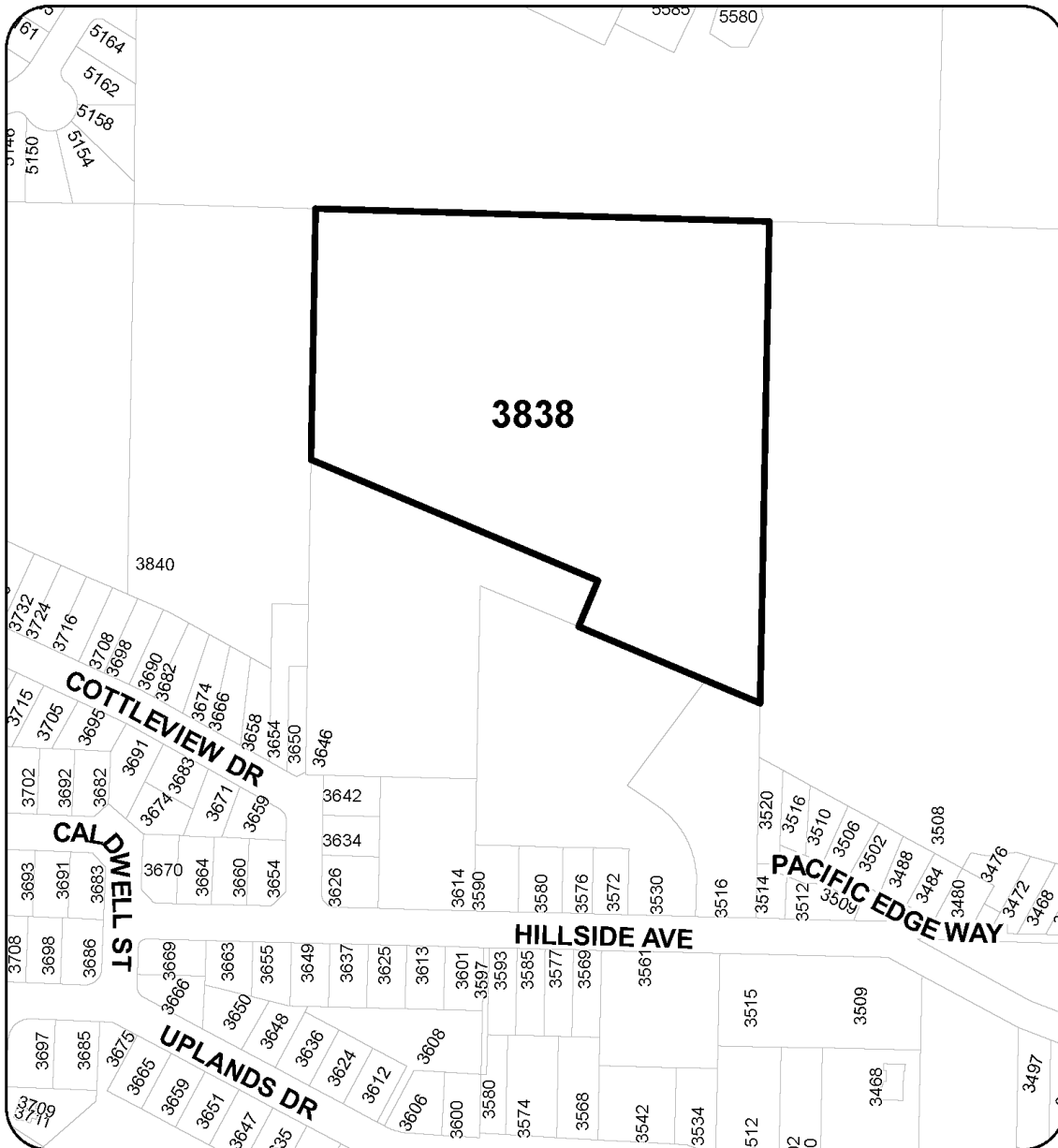
LOCATION PLAN

Civic: 201 FLEMING PLACE

Legal Description: PARK DEDICATED BY PLAN EPP82772

SCHEDULE A

MAP 3



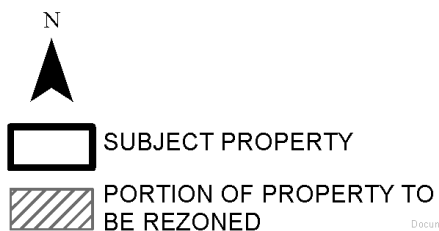
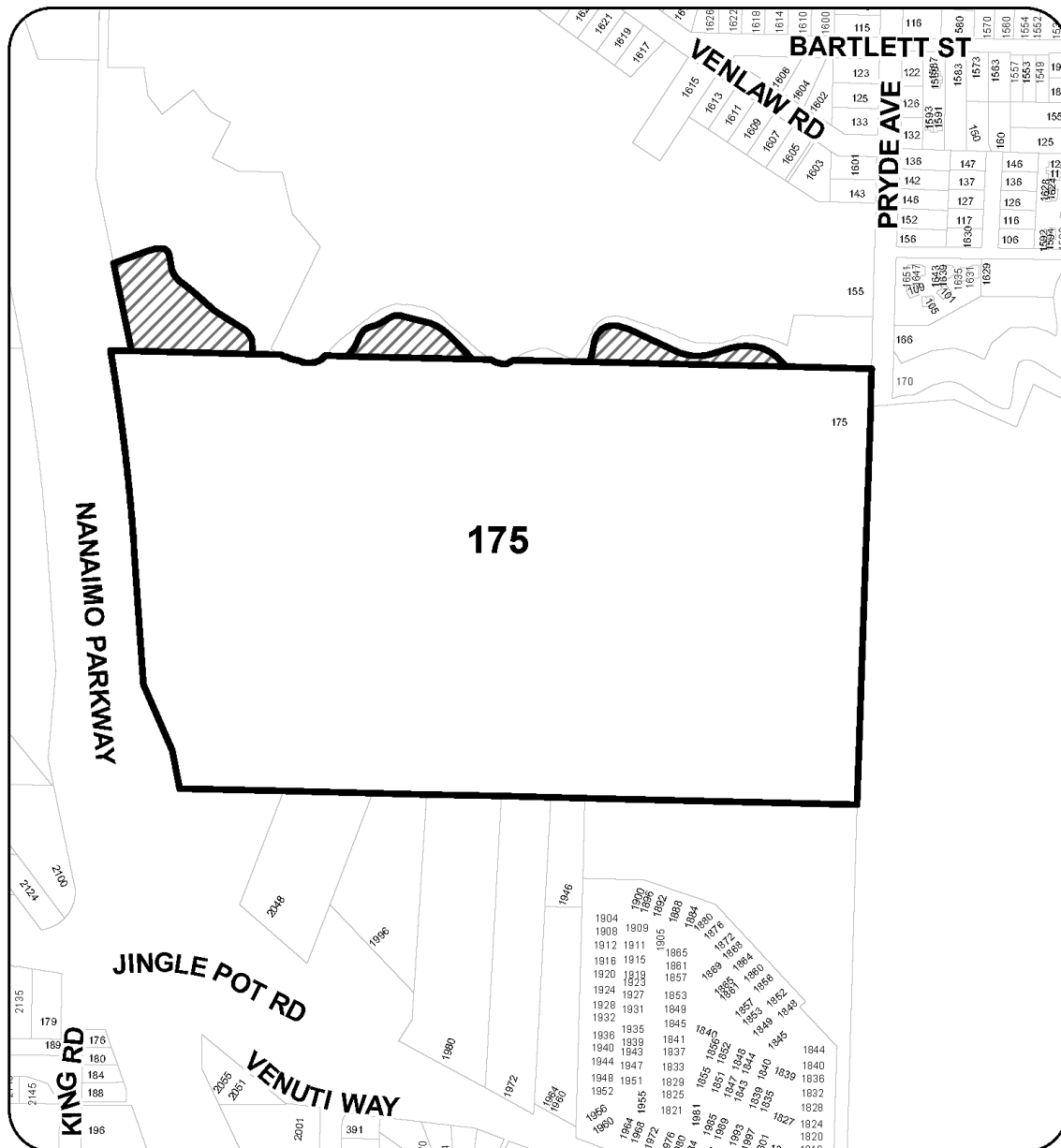
LOCATION PLAN

Civic: 3838 STRONACH DRIVE

Legal Description: PARK DEDICATED BY PLAN EPP101514

SCHEDULE A

MAP 4



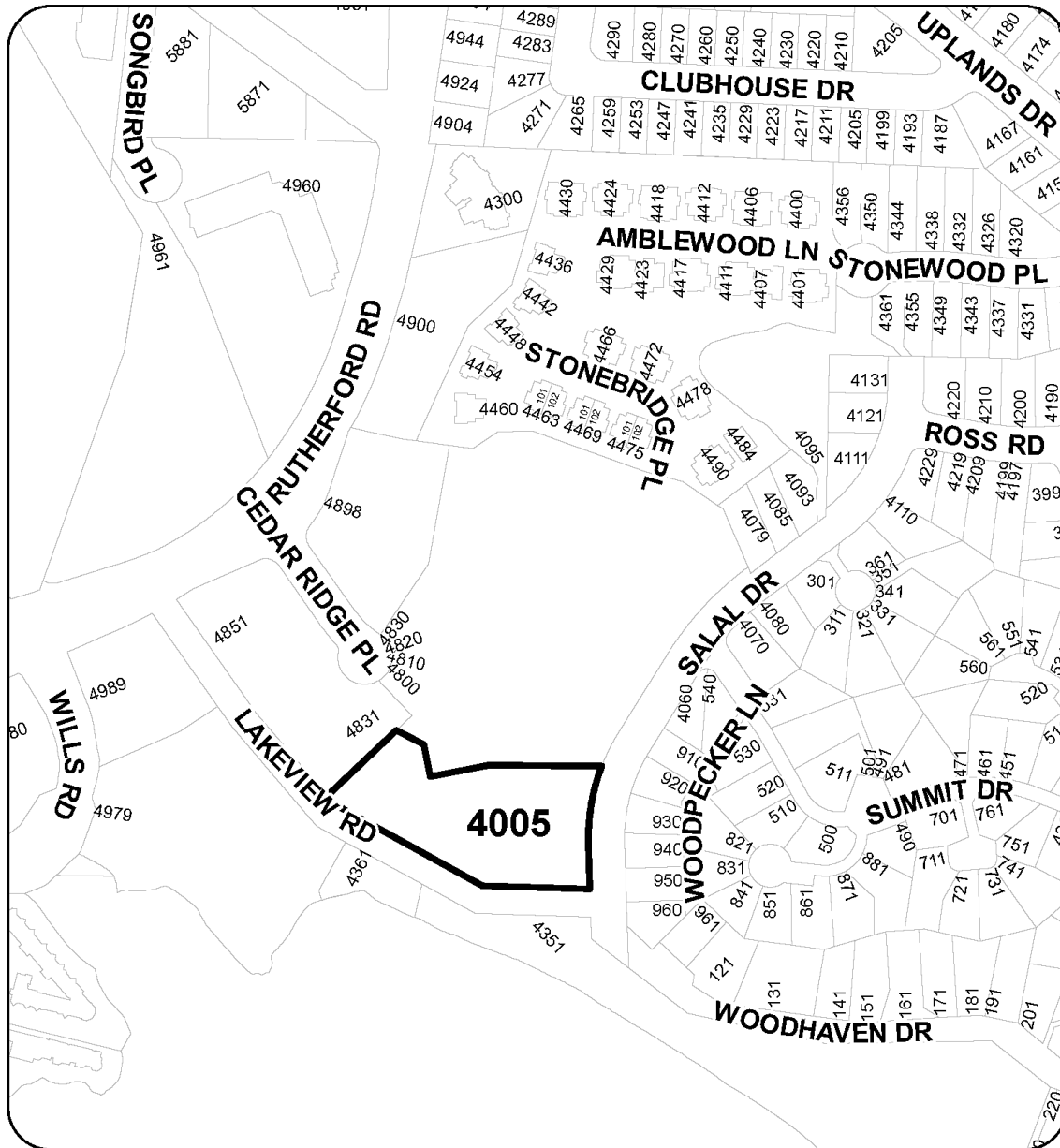
LOCATION PLAN

Civic: 175 PRYDE AVENUE

Legal Description: PARK DEDICATED BY PLAN EPP102535

SCHEDULE A

MAP 5



SUBJECT PROPERTY

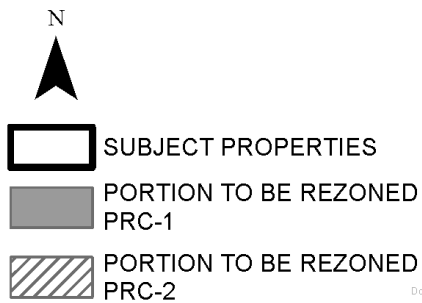
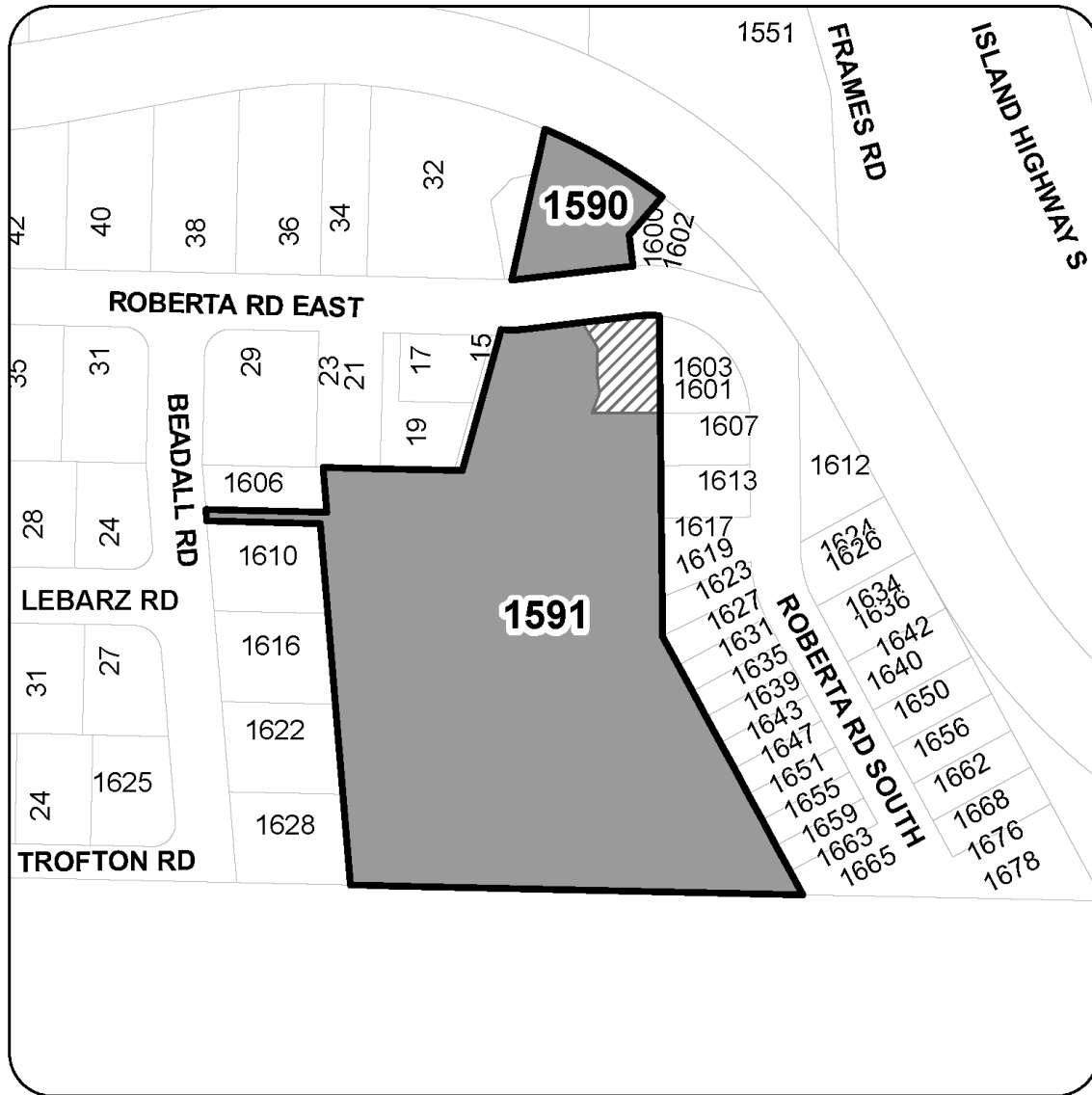
LOCATION PLAN

Civic: 4005 SALAL DRIVE

Legal Description: PARK DEDICATED BY PLAN EPP98492

SCHEDULE A

MAP 6

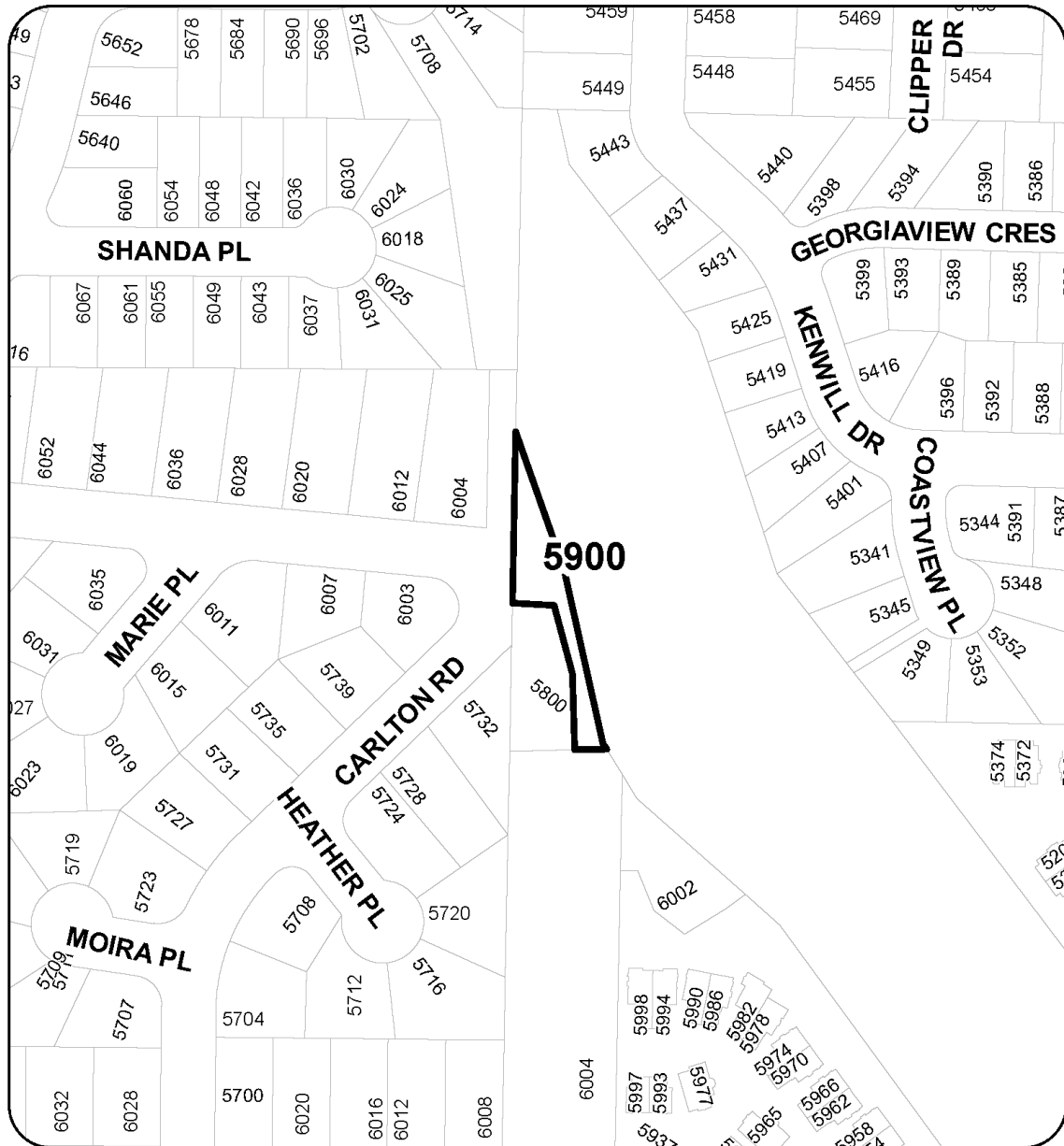


LOCATION PLAN

Civic: 1590 & 1591 ROBERTA ROAD SOUTH
Legal Description: PARK DEDICATED BY PLAN EPP101991

SCHEDULE A

MAP 7



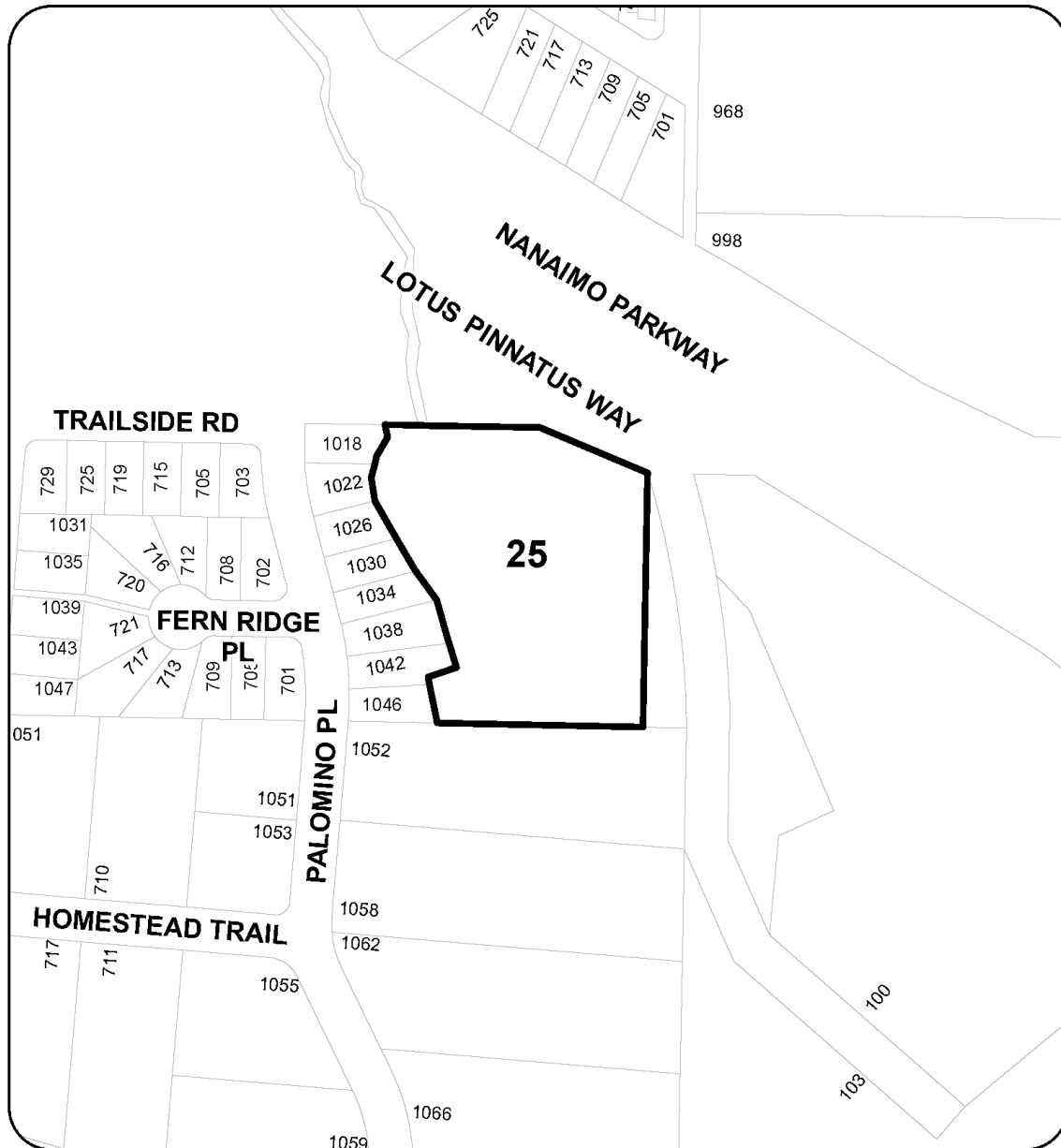
LOCATION PLAN

Civic: 5900 CARLTON ROAD

Legal Description: PARK DEDICATED BY PLAN EPP102733

SCHEDULE A

MAP 8



SUBJECT PROPERTY

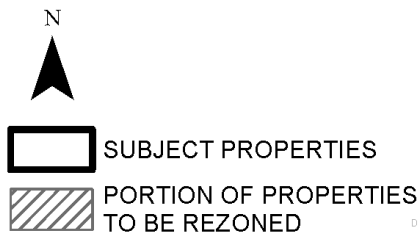
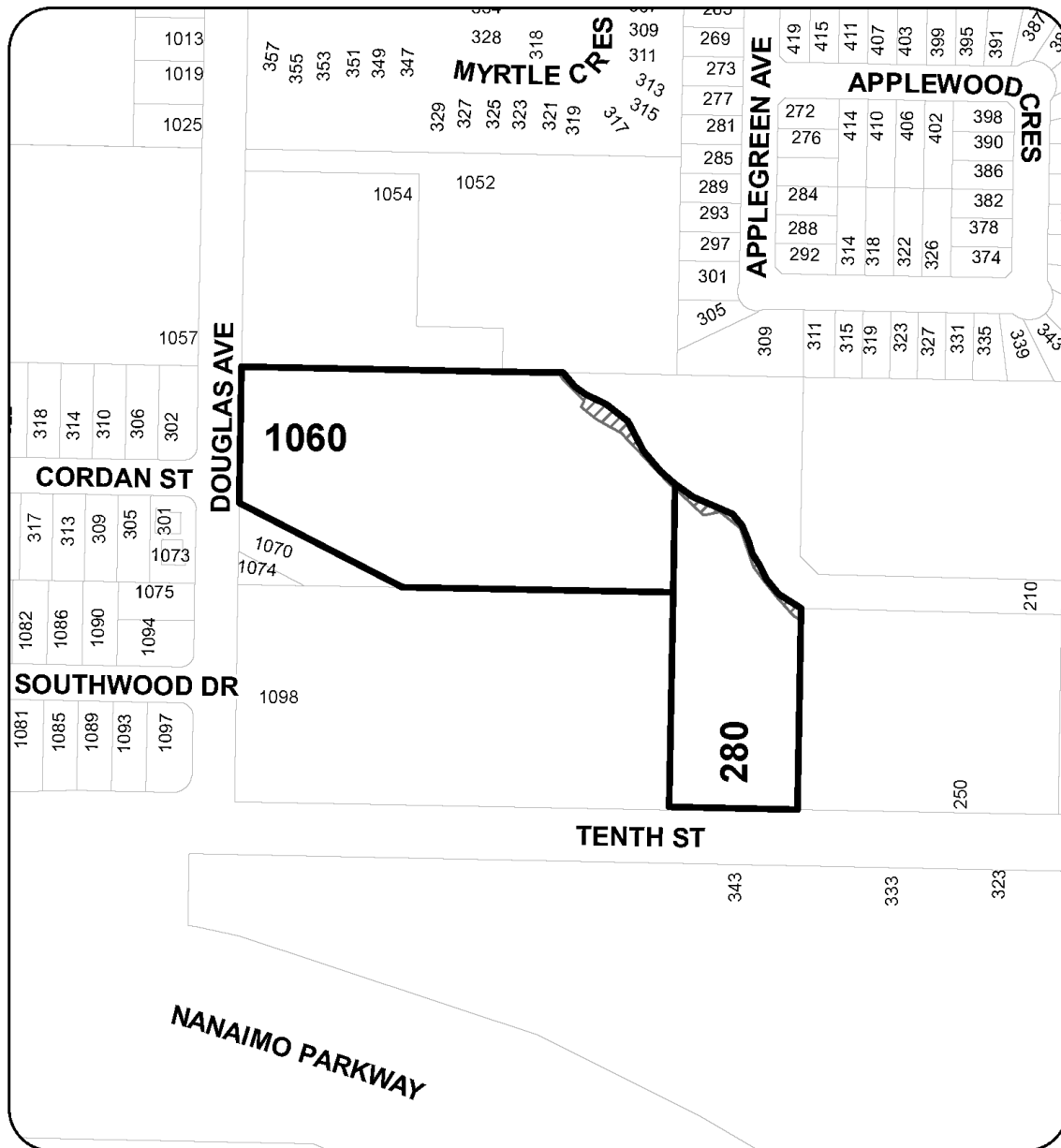
LOCATION PLAN

Civic: 25 LOTUS PINNATUS WAY

Legal Description: PARK DEDICATED BY PLAN EPP103273

SCHEDULE A

MAP 9



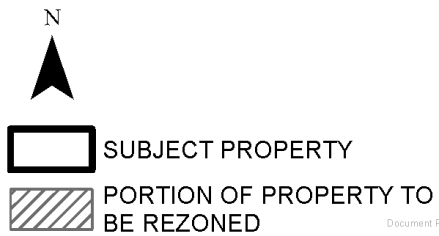
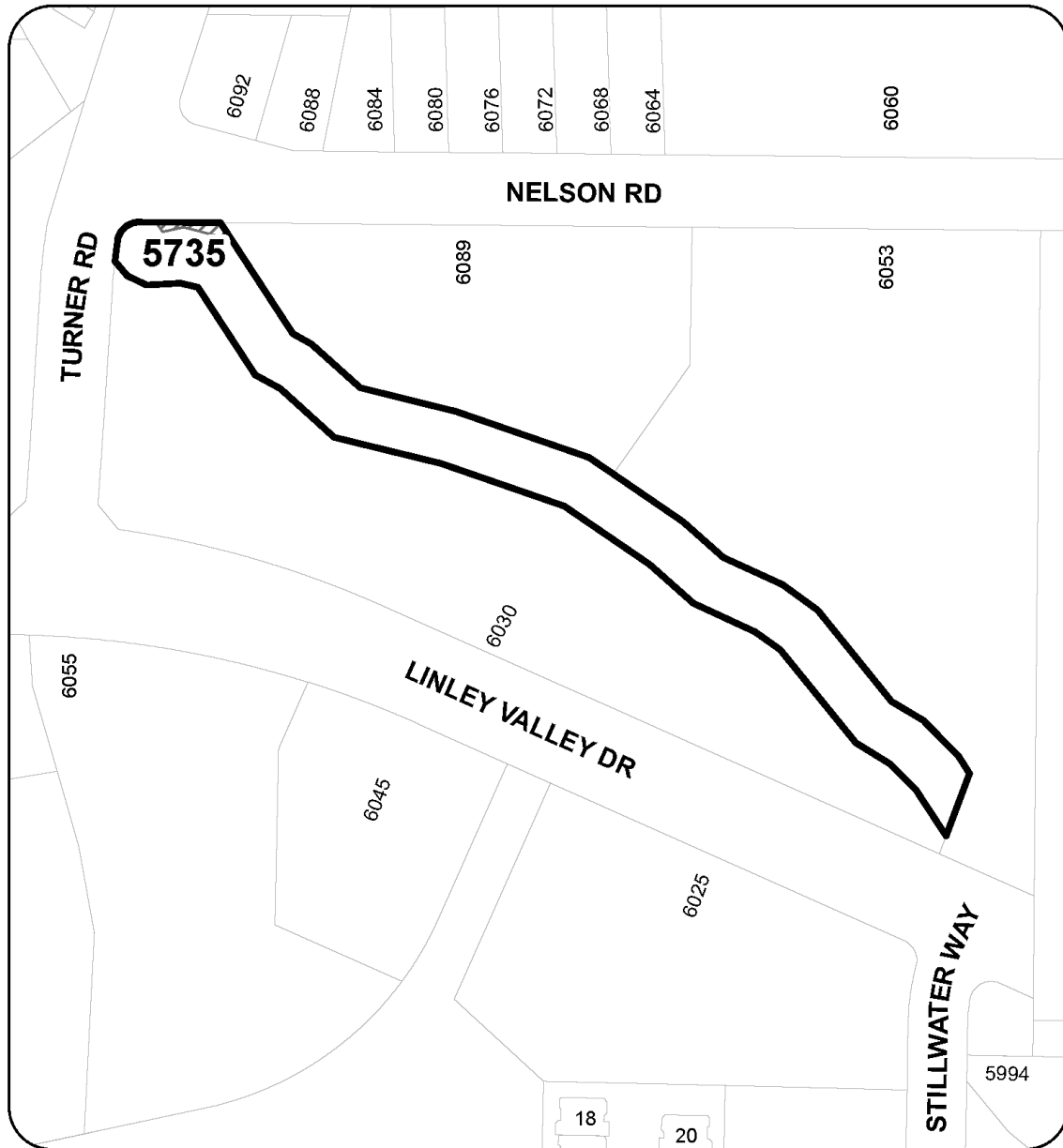
LOCATION PLAN

Civic: 1060 DOUGLAS AVENUE & 280 TENTH STREET
Legal Description: LOT 1, SECTION 1, NANAIMO DISTRICT
PLAN 2903, EXCEPT PART IN PLAN EPP17767 THAT IS PARK
& LOT 1, SECTION 1, NANAIMO DISTRICT, PLAN EPP20125

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SCHEDULE A

MAP 10



LOCATION PLAN

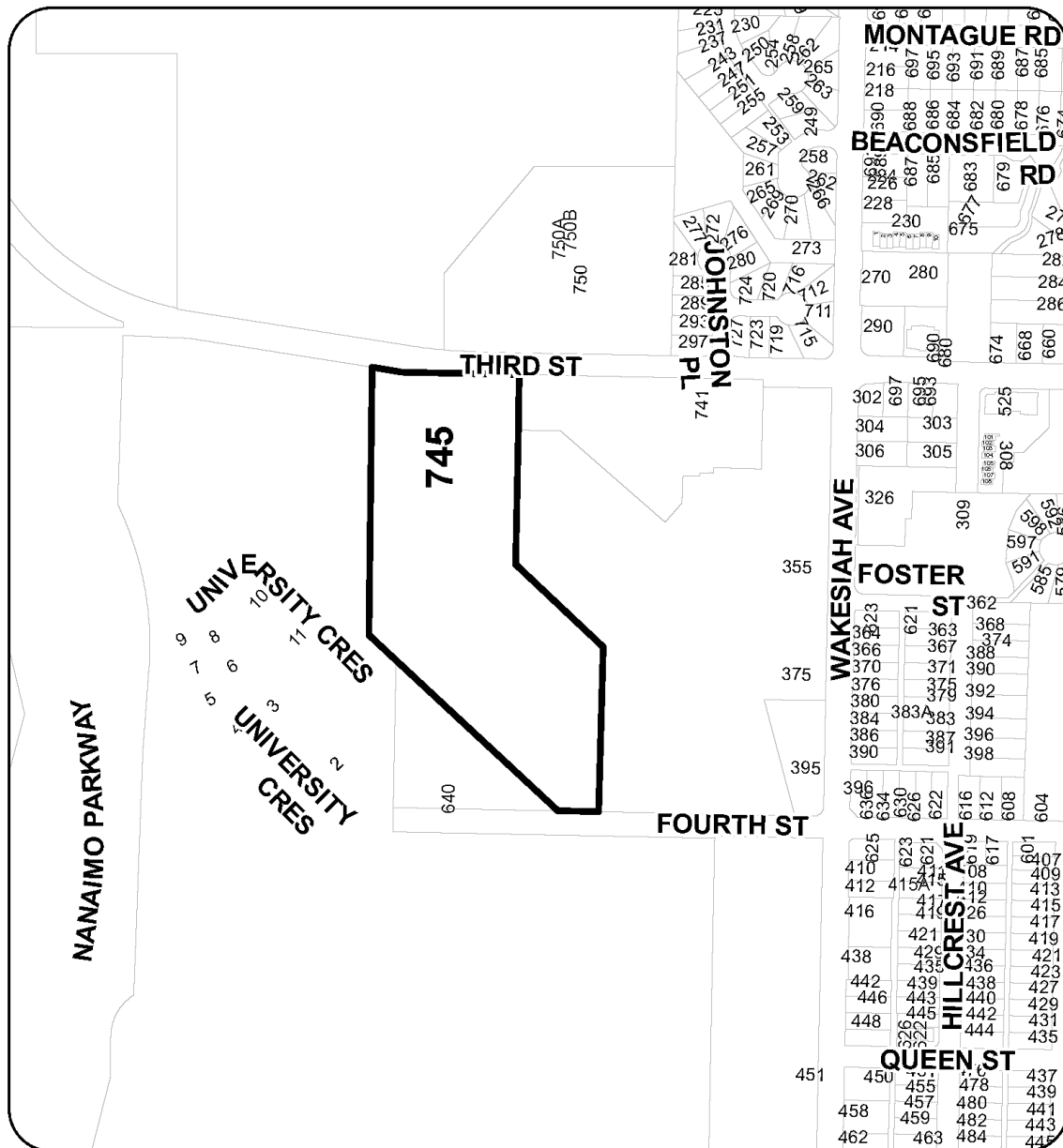
Civic: 5735 TURNER ROAD

Legal Description: PARK DEDICATED BY PLAN EPP99504

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SCHEDULE A

MAP 11

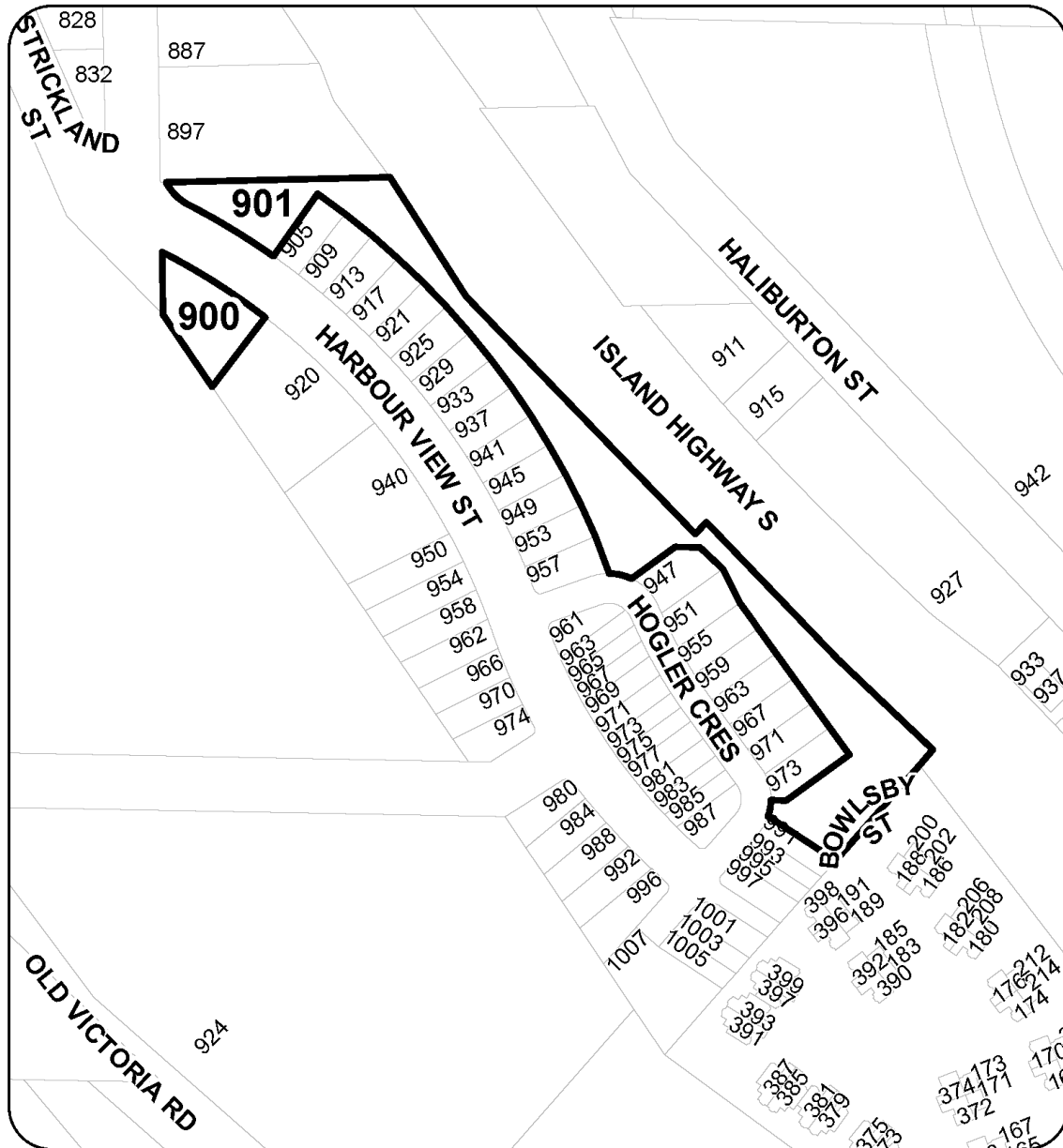


LOCATION PLAN

Civic: 745 THIRD STREET
Legal Description: LOT B, SECTION 1
NANAIMO DISTRICT, PLAN EPP94852

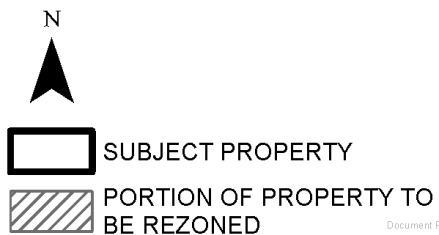
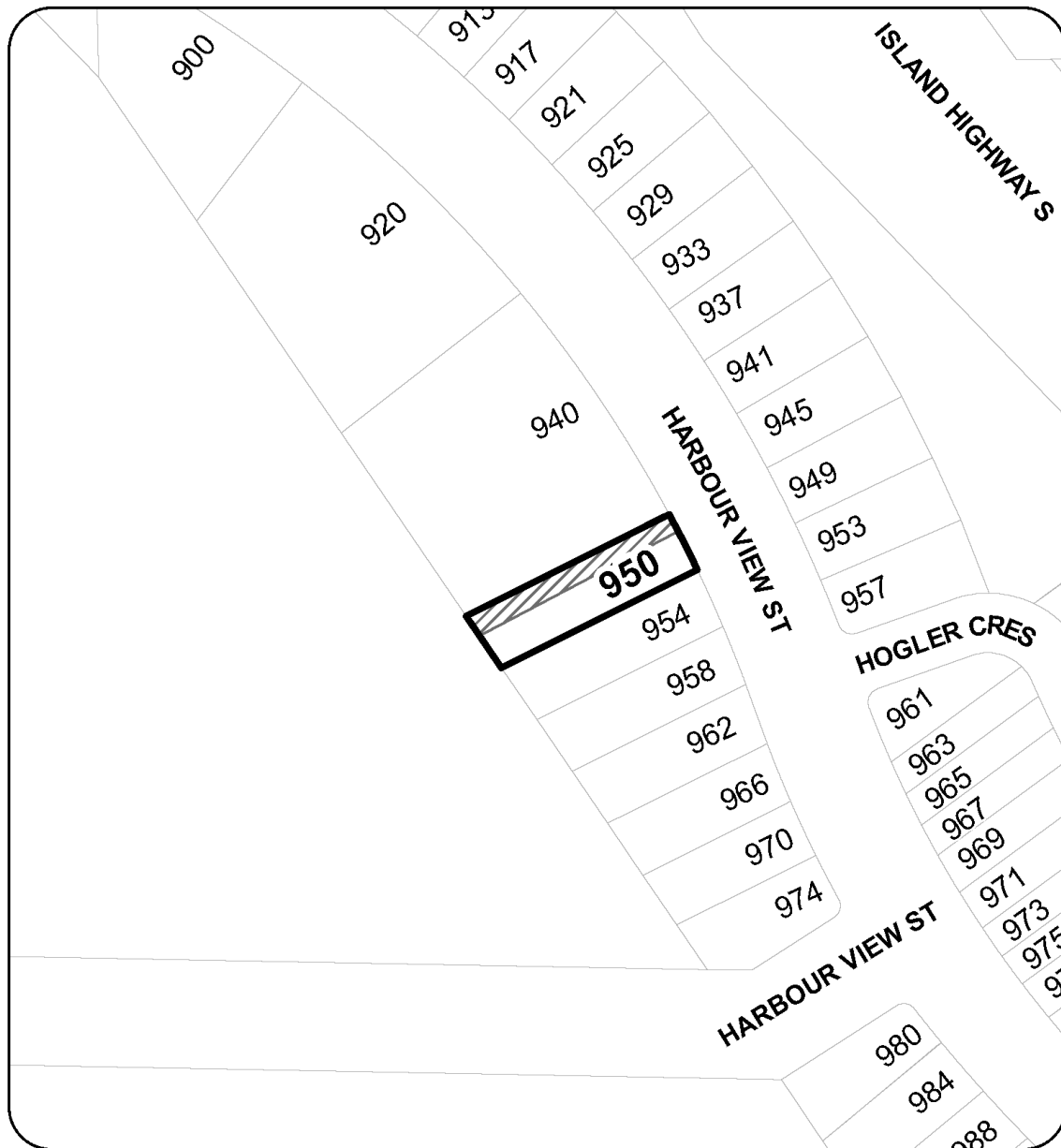
SCHEDULE A

MAP 12



SCHEDULE A

MAP 13



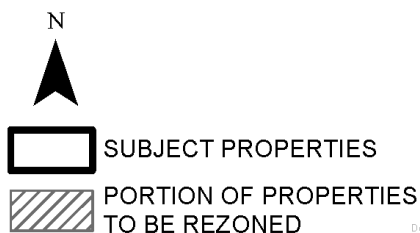
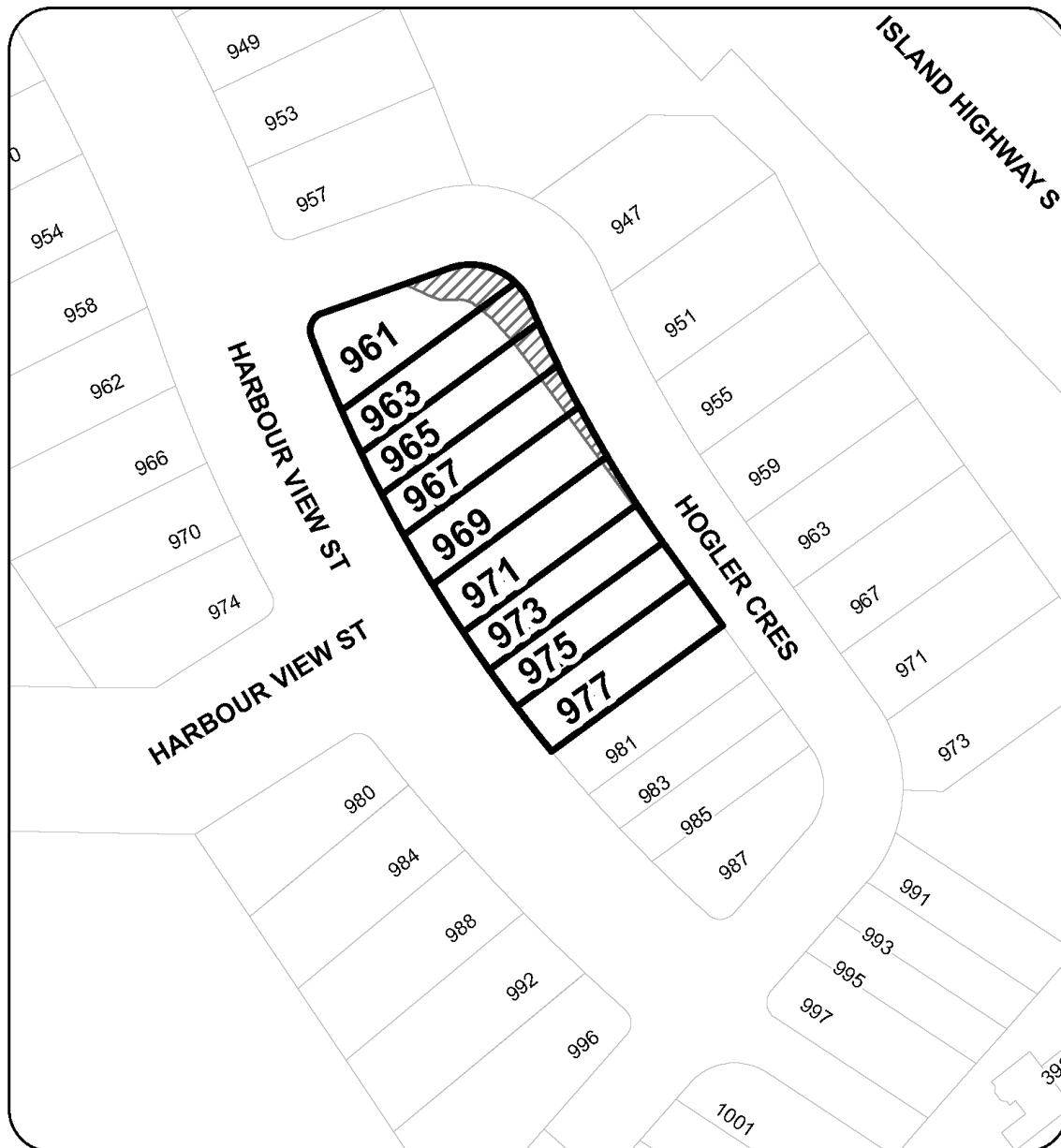
LOCATION PLAN

Civic: 950 HARBOUR VIEW STREET
Legal Description: LOT 55, SECTION 1
NANAIMO DISTRICT, PLAN EPP101262

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SCHEDULE A

MAP 14

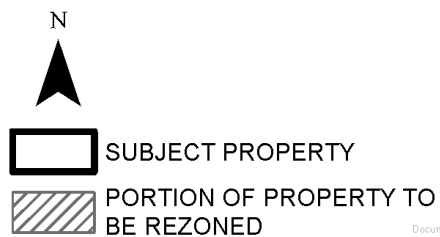


LOCATION PLAN

Civic: 961, 963, 965, 967, 969, 971, 973, 975
& 977 HARBOUR VIEW STREET
Legal Description: LOTS 15-23, SECTION 1
NANAIMO DISTRICT, PLAN EPP101262

SCHEDULE A

MAP 15

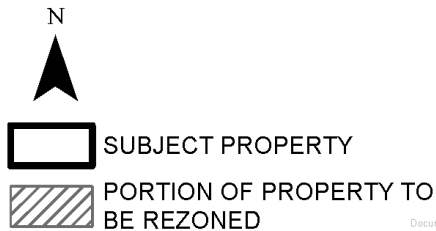
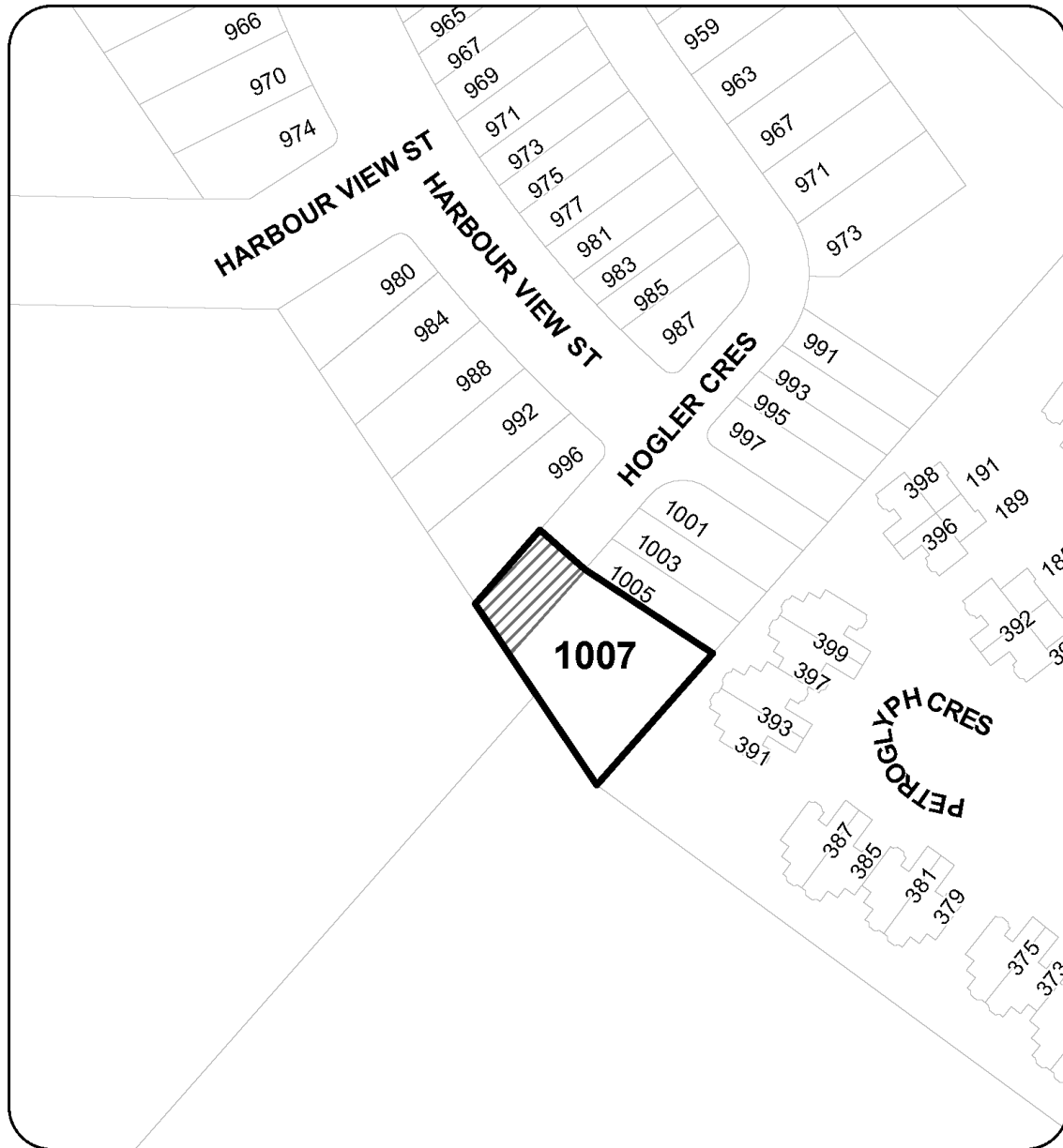


LOCATION PLAN

Civic: 991 HOGLER CRESCENT
Legal Description: LOT 36, SECTION 1
NANAIMO DISTRICT, PLAN EPP101262

SCHEDULE A

MAP 16

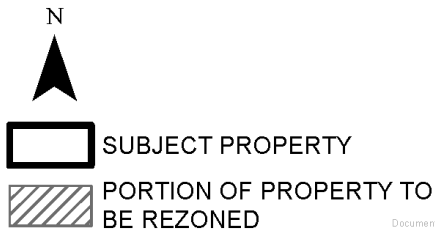
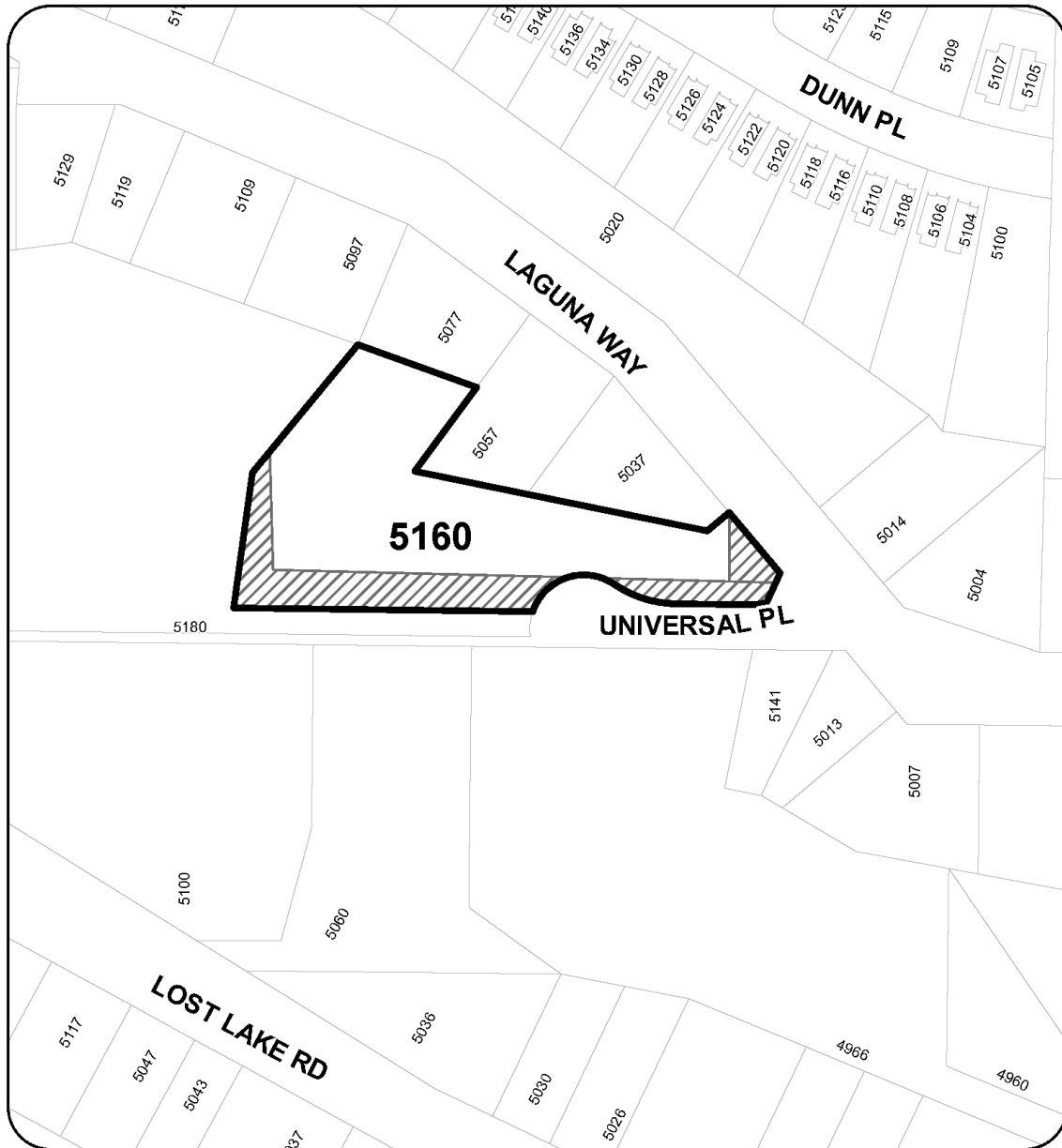


LOCATION PLAN

Civic: 1007 HOGLER CRESCENT
Legal Description: LOT 43, SECTION 1
NANAIMO DISTRICT, PLAN EPP101262

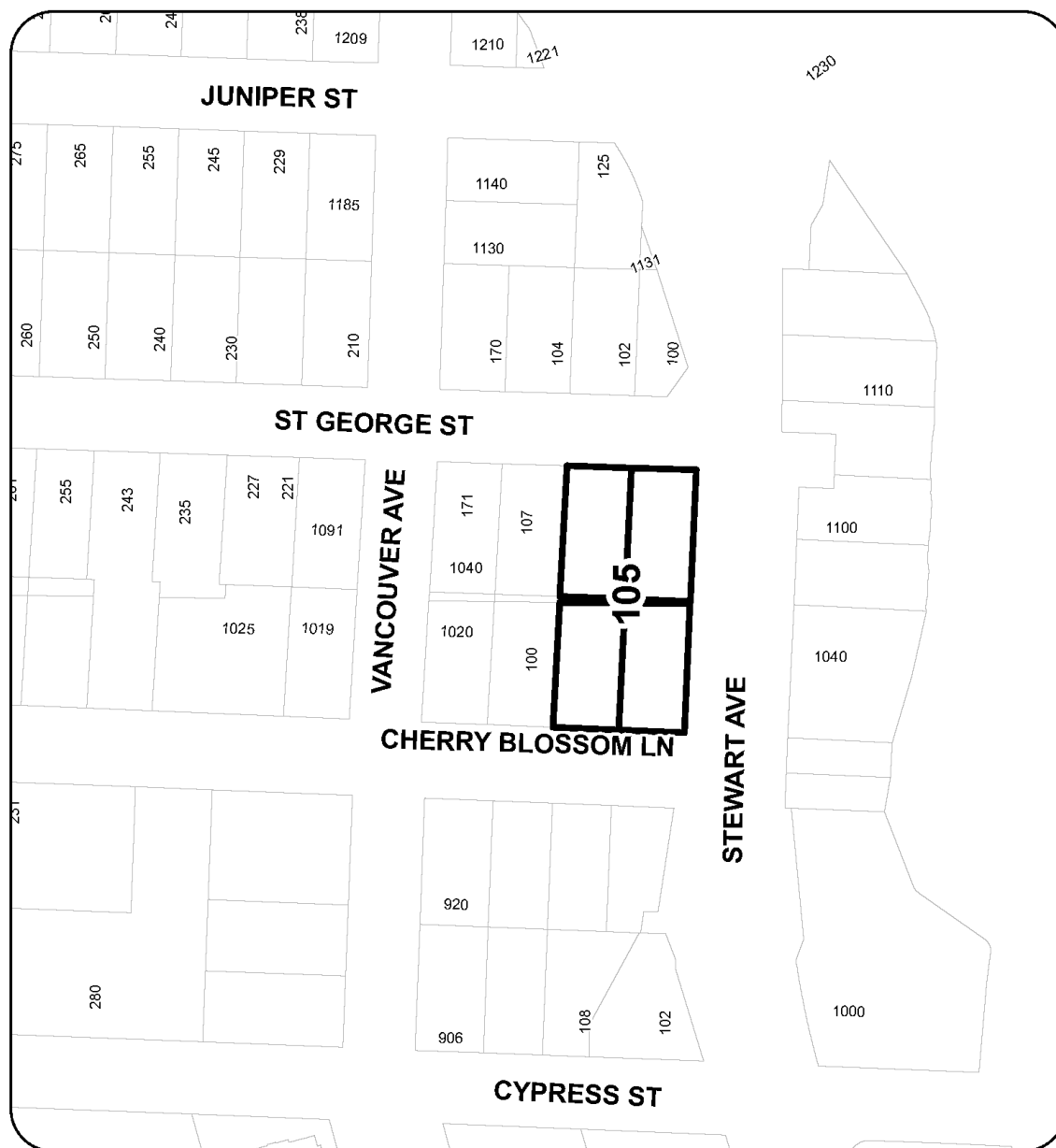
SCHEDULE A

MAP 17



LOCATION PLAN

Civic: 5160 UNIVERSAL PLACE
Legal Description: LOT 2, DISTRICT LOT 54
WELLINGTON, PLAN VIP63438

MAP 18

LOCATION PLAN

Civic: 105 ST GEORGE STREET

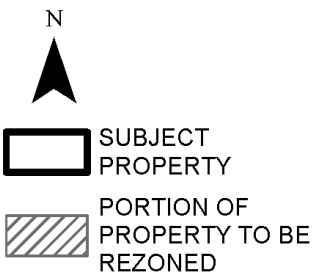
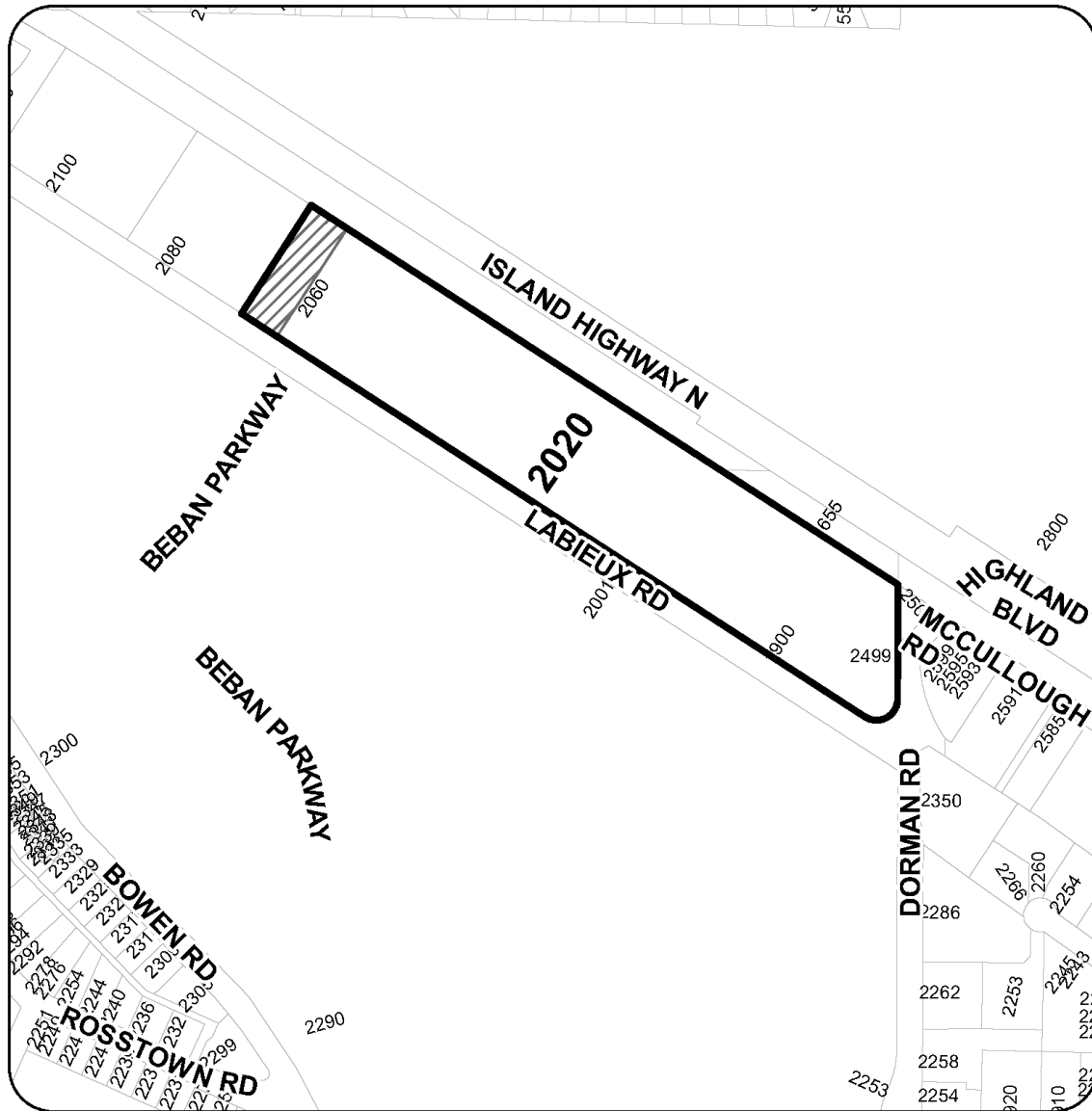
Legal Description: LOTS 3 & 4, BLOCK 31, DISTRICT LOT 96B

NANAIMO DISTRICT, PLAN 2039 and LOTS 3, 4, 5, & 6, BLOCK 85, SECTION 1
NEWCASTLE TOWNSITE, NANAIMO DISTRICT, PLAN 366, EXCEPT PART IN
LOTS 3 & 4, BLOCK 31, DISTRICT LOT 96B, NANAIMO DISTRICT, PLAN 2039



SCHEDULE A

MAP 19



LOCATION PLAN

Civic: 2020 LABIEUX ROAD
Legal Description: LOT A, SECTION 18 & 19 AND 20, RANGE 7
MOUNTAIN DISTRICT, PLAN 2299, EXCEPT THOSE PARTS IN
16078, 27441, VIP58294, VIP62569 AND EPP67724 EXCEPT LEASED
AREAS ASSESSED ON 05448.020, 19805.300, 19805.301, 05549.005